CURRENT DECISIONS

ASSAULT AND BATTERY—JUSTIFICATION—OFFICER SERVING WARRANT FOR MISDEMEANOR.—The defendant, a peace officer, was attempting to arrest the prosecuting witness under a warrant which charged him with a misdemeanor. When the latter resisted with a knife, the defendant shot and wounded him, although there was a clear avenue for retreat by defendant. *Held,* that it was error to charge that the defendant was guilty of an assault with a deadly weapon. *State v. Dunning* (1919, N. C.) 98 S. E. 530.

The court reasoned that the officer was under a "duty" to execute the warrant; that he had a privilege to kill if necessary to perform this "duty" whether the offense charged in the warrant was a felony or a misdemeanor. This is in accord with the English rule. 1 Hale, *Pleas of the Crown* (1778) 481; 1 East, *Pleas of the Crown* (1806) 307; *Commonwealth v. Marcum* (1909) 135 Ky. 1, 122 S. W. 215. But in the United States the weight of authority is *contra. People v. Wilson* (1918, Calif.) 172 Pac. 1116; *Robertson v. Territory* (1910) 13 Ariz. 10, 108 Pac. 217.

BILLS AND NOTES—SALE—ENDORSEMENT WITHOUT RECOURSE—WARRANTY OF GENUINENESS.—The plaintiff brought suit against J. S. as maker and M as endorser of a promissory note. It was pleaded and established that J. S.'s "signature" was a forgery, and that M had endorsed to the plaintiff "without recourse in any way." There was some question as to whether M had expressly stated that J. S. signed the note. Appeal was taken from a judgment for the plaintiff, against M. *Held,* that the judgment was correct, as, while an endorser by express contract may relieve himself from liability for forgery of signatures to a note transferred by him, the "general refusal to guarantee" would be "understood as confined to the responsibility of the maker." *Miller v. Stewart* (1919, Tex. Civ. App.) 214 S. W. 565.

See COMMENTS, *supra,* p. 102.

CITIZENSHIP—LOSS BY NATURALIZATION ABROAD—FRENCH LAW.—A was born at Rio Janeiro in 1891 of a native French father, born 1856, who had obtained American naturalization in 1878 and Brazilian naturalization in 1889. A was claimed for military service in France, as a Frenchman. He brought an action to obtain his release. *Held,* that having been born of a father who had lost his French nationality, the plaintiff was not French. *Heymann v. Ministère de la Guerre* (1918) *Tribunal civil de la Seine* (1919) 46 Clunet, 320.

This recognition of American naturalization operating as a loss of French nationality constitutes a change in the French law. France has no naturalization treaty with the United States. She has heretofore taken the position that renunciation of French nationality, without governmental consent, particularly between the ages of 17 and 40, is not permissible. See State Department Circular of Feb. 10, 1914, and Mr. Vignaud's report to Mr. Sherman, Secretary of State, Aug. 2, 1897, For. Rel. 1897, 141. See also cases of *Emile Robin,* For. Rel. 1901, 156; and of *René Dubuc,* For. Rel. 1910, 514. The change of view is to be commended.

CITIZENSHIP—MARRIED WOMEN—WHEN NATIVE NATIONALITY NOT LOST BY MARRIAGE TO ALIEN.—A French woman married a Turkish subject. By Turkish